MONTANA LEGISLATIVE HISTORY

Chapter 405 1991

Bill HB 700 S _____ Original bill & history ✓ C

H. Committee on Human Services		S. Committee on Public Health	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
2/20	✓C	3/25	___C
_____	___C	(minutes missing) _____	___C
_____	___C	_____	___C
Date Out 2/20	✓C	3/25	

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

4/19	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	0
4/24	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/24	TRANSMITTED TO GOVERNOR		
4/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 721	EFFECTIVE DATE: 10/01/91	

HB 699 INTRODUCED BY ELLISON, ET AL.

EXEMPT TRAVERTINE AND BUILDING STONE FROM MINES NET PROCEEDS TAX

2/08	INTRODUCED		
2/08	REFERRED TO TAXATION		
2/08	FIRST READING		
2/08	FISCAL NOTE REQUESTED		
2/13	FISCAL NOTE RECEIVED		
2/14	FISCAL NOTE PRINTED		
2/22	HEARING		
3/05	COMMITTEE REPORT—BILL PASSED		
4/03	2ND READING PASSED	71	28
4/03	ON MOTION RULES SUSPENDED TO ALLOW 3RD READING THIS DAY		
4/03	3RD READING PASSED	72	28
	TRANSMITTED TO SENATE		
4/04	FIRST READING		
4/04	REFERRED TO TAXATION		
4/06	HEARING		
4/08	COMMITTEE REPORT—BILL CONCURRED		
4/09	2ND READING CONCURRED	29	11
4/09	SEGREGATED FROM COMMITTE OF WHOLE REPORT	34	11
4/15	2ND READING CONCURRED AS AMENDED	48	0
4/16	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/18	2ND READING AMENDMENTS CONCURRED	96	2
4/19	3RD READING AMENDMENTS CONCURRED	90	7
4/23	SIGNED BY SPEAKER		
4/23	SIGNED BY PRESIDENT		
4/23	TRANSMITTED TO GOVERNOR		
4/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 700	EFFECTIVE DATE: 4/26/91	

HB 700 INTRODUCED BY T. NELSON

REVISE TERM OF HEALTH FACILITY LICENSE

BY REQUEST OF GOVERNOR

2/08	INTRODUCED		
2/08	REFERRED TO HUMAN SERVICES & AGING		
2/08	FIRST READING		
2/08	FISCAL NOTE REQUESTED		
2/13	FISCAL NOTE RECEIVED		
2/15	FISCAL NOTE PRINTED		
2/20	HEARING		
2/21	COMMITTEE REPORT—BILL PASSED		
2/23	2ND READING PASSED	91	7
2/26	3RD READING PASSED	93	6
	TRANSMITTED TO SENATE		
2/27	FIRST READING		
2/27	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/25	HEARING		
3/26	COMMITTEE REPORT—BILL CONCURRED		
3/28	2ND READING CONCURRED	49	0
4/01	3RD READING CONCURRED	49	0

	RETURNED TO HOUSE		
4/04	SIGNED BY SPEAKER		
4/04	SIGNED BY PRESIDENT		
4/05	TRANSMITTED TO GOVERNOR		
4/09	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 405	EFFECTIVE DATE: 10/01/91	

HB 701 INTRODUCED BY DRISCOLL, ET AL.
PROVIDE STATE FUNDING FOR CLEAN COAL TECHNOLOGY PROJECTS

2/08	INTRODUCED		
2/08	REFERRED TO TAXATION		
2/08	FIRST READING		
2/08	FISCAL NOTE REQUESTED		
2/15	FISCAL NOTE RECEIVED		
2/18	FISCAL NOTE PRINTED		
3/08	HEARING		
3/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
4/03	2ND READING PASSED	92	8
4/03	ON MOTION RULES SUSPENDED TO ALLOW 3RD READING THIS DAY		
4/03	3RD READING PASSED	92	8
	TRANSMITTED TO SENATE		
4/04	FIRST READING		
4/04	REFERRED TO TAXATION		
4/08	HEARING		
4/15	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/16	2ND READING CONCURRED	49	0
4/17	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/18	2ND READING AMENDMENTS CONCURRED	93	3
4/19	3RD READING AMENDMENTS CONCURRED	90	8
4/24	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/24	TRANSMITTED TO GOVERNOR		
4/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 722	EFFECTIVE DATE: 7/01/91	

HB 702 INTRODUCED BY DRISCOLL, ET AL.
COAL TAX FOR CLEAN COAL TECHNOLOGY

2/08	INTRODUCED		
2/08	REFERRED TO TAXATION		
2/08	FIRST READING		
2/08	FISCAL NOTE REQUESTED		
2/15	FISCAL NOTE RECEIVED		
2/22	FISCAL NOTE PRINTED		
3/08	HEARING		
3/15	REREFERRED TO APPROPRIATIONS		
3/21	HEARING		
3/23	TABLED IN COMMITTEE		

HB 703 INTRODUCED BY BRADLEY, ET AL.
SCIENCE AND TECHNOLOGY INVESTMENT IN VENTURE CAPITAL COMPANIES

2/08	INTRODUCED		
2/08	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/08	FIRST READING		
2/22	HEARING		
2/23	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/26	2ND READING PASSED AS AMENDED	96	3
2/26	FISCAL NOTE REQUESTED		
2/27	3RD READING PASSED	94	5

HOUSE BILL NO. 700

INTRODUCED BY T. NELSON
BY REQUEST OF THE GOVERNOR

IN THE HOUSE

FEBRUARY 8, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
	FIRST READING.
FEBRUARY 21, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 22, 1991	PRINTING REPORT.
FEBRUARY 23, 1991	SECOND READING, DO PASS.
FEBRUARY 25, 1991	ENGROSSING REPORT.
FEBRUARY 26, 1991	THIRD READING, PASSED. AYES, 93; NOES, 6.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.
	FIRST READING.
MARCH 26, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 28, 1991	SECOND READING, CONCURRED IN.
APRIL 1, 1991	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

APRIL 1, 1991	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

INTRODUCED BY House BILL NO. 700
Tom Hollenbaugh

BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO ISSUE HEALTH CARE FACILITY LICENSES FOR A PERIOD OF 1 TO 3 YEARS IN DURATION; ALLOWING THE DEPARTMENT TO INSPECT HEALTH CARE FACILITIES LESS OFTEN THAN ANNUALLY; AND AMENDING SECTIONS 50-5-201, 50-5-203, AND 50-5-204, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-5-201, MCA, is amended to read:

"**50-5-201. License requirements.** (1) A licensee who contemplates construction of or alteration or addition to a health care facility shall submit plans and specifications to the department for preliminary inspection and approval prior to commencing construction.

(2) No person may operate a health care facility unless the facility is licensed by the department. Licenses ~~shall be--for--1--year--unless--issued-for-a-shorter-period~~ may be issued for a period of 1 to 3 years in duration. A license is valid only for the person and premises for which it was issued. A license may not be sold, assigned, or transferred.

(3) Upon discontinuance of the operation or upon transfer of ownership of a facility, the license must be returned to the department.

(4) Licenses shall be displayed in a conspicuous place near the admitting office of the facility."

Section 2. Section 50-5-203, MCA, is amended to read:

"**50-5-203. Application for license.** The procedure to apply for a license is as follows:

(1) At least 30 days prior to the opening of a facility and ~~annually--thereafter~~ after that no later than the expiration date of the license, application is made to the department accompanied by the license fee.

(2) The application shall contain:

(a) the name and address of the applicant if an individual, the name and address of each member if a firm, partnership, or association, or the name and address of each officer if a corporation;

(b) the location of the facility;

(c) the name of the person or persons who will manage or supervise the facility;

(d) the number and type of patients or residents for which care is provided;

(e) any information which the department may require pertaining to the number, experience, and training of employees;

(f) information on ownership, contract, or lease

INTRODUCED BILL
HB 700

agreement if operated by a person other than the owner."

Section 3. Section 50-5-204, MCA, is amended to read:

"50-5-204. Issuance and renewal of licenses -- inspections. (1) After receipt of a new ~~or--renewal~~ application, the department or its authorized agent shall ~~inspect-the-facility-without-prior-notice-to-the-operator-or-staff~~ conduct an initial inspection of the facility within 45 days.

(2) After receipt of an application for renewal of a license, the department or its authorized agent shall inspect the facility without prior notice to the operator or staff.

~~(2)~~(3) If the department determines that the facility meets minimum standards and the proposed or existing staff is qualified, the department shall issue a license for ~~1 year~~ a period of 1 to 3 years in duration.

~~(3)~~(4) If minimum standards are not met, the department may issue a provisional license for less than 1 year if operation will not result in undue hazard to patients or residents or if the demand for accommodations offered is not met in the community.

~~(4)~~(5) The minimum standards which home health agencies must meet in order to be licensed must be as outlined in 42 U.S.C. 1395 x(o), as amended, and in rules implementing it which add minimum standards.

LC 1179/01

~~(5)~~(6) The department may inspect a licensed health care facility whenever it considers it necessary. The entire premises of a licensed facility must be open to inspection, and access to all records must be granted at all reasonable times."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0700, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to allow the Department of Health and Environmental Sciences to issue health care facility licenses for a period of one to three years in duration, allowing the department to inspect health care facilities less often than annually.

ASSUMPTIONS:

1. DHES would continue to inspect facilities with approximately the same average frequency as under current law. Some facilities may have the term for licensure lengthened while those with deficiencies would be given more intensive review.

FISCAL IMPACT:

None.

2-13-91

ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

2/18/91

THOMAS E. NELSON, PRIMARY SPONSOR DATE

Fiscal Note for HB0700, as introduced . HB 700

REP. TUNBY asked if the bill takes care of how we protect these children without infringing on the churches rights.

REP. MESSMORE asked what position the church facilities took. **REP. J. RICE** stated that the position taken by the churches was wanting to provide education opportunities.

Motion: **REP. DOWELL** moved to amend HB 642.

If limits services to children who are 4 years of age or older.

Discussion:

REP. DOWELL stated that with children under the age of 3, what type of education are we looking at, it will frankly be daycare.

REP. SQUIRES stated that she resists the motion. This is a matter of what is the definition of a daycare and what is a preschool.

REP. DOWELL stated we are talking about 3 year old children. How much education as opposed to daycare are we really talking about.

REP. MESSMORE stated that she also resists the amendment.

REP. STICKNEY stated that it is just a matter of legal definition.

REP. SQUIRES stated that it is a matter of age and terminology based to protect the child in the case study of daycare versus preschool where anything can happen.

Vote: Motion failed 1-19 with REP. DOWELL voting aye.

Discussion:

REP. MESSMORE asked why is preschool not under the definitions. **REP. COCCHIARELLA** stated that they don't have to be defined because preschools aren't licensed and that is the problem.

Vote: Motion carried 18-2 with REPS. KASTEN and SPRING voting no.

HEARING ON HB 700

Presentation and Opening Statement by Sponsor:

REP. THOMAS NELSON, House District 95, Billings, stated that this bill is an act to allow the Department of Health & Environmental Sciences (DHES) to change the way that they issue health care facility licenses by extending the period of time when some of those facilities from 1 to 3 years. This bill provides the inspections of health care facilities can be less often than

annually.

Proponents' Testimony:

Denzel Davis, Department of Health & Environmental Sciences, submitted written testimony. **EXHIBIT 16**

Opponents' Testimony: None

Questions From Committee Members:

REP. CROMLEY asked if in the past has there been licenses issued for periods of less than one year. **Mr. Davis** stated that we can issue licenses for a period of less than 1 year if the facility gave problem under the policy provision licenses.

Closing by Sponsor:

REP. NELSON stated that this bill is at the request of the Governor. This will make the DHES more responsive to the needs of the community and not only in doing so, is able to respond to the needs of the citizen much better than an arbitrary system as we have had.

EXECUTIVE ACTION ON HB 700

Motion: **REP. CROMLEY MOVED HB 700 DO PASS.**

Discussion:

REP. MESSMORE stated that this is a blessed bill.

REP. S. RICE asked why this is a blessed bill. **REP. MESSMORE** stated that it helps the facilities be regulated and inspected and all the health care facilities in Montana.

REP. BECKER stated that she will oppose the bill

Vote: Motion carried 13-7 with REPS. BECKER, DOWELL, GALVIN, LEE, SQUIRES, RUSSELL, and WHALEN voting no.

HEARING ON HB 917

Presentation and Opening Statement by Sponsor:

REP. HOWARD TOOLE, House District 60, Southwest Missoula, stated that this bill is at the request of the Department of Health & Environmental Sciences. The bill is somewhat complex because it deals with the AIDS Prevention Act. This is an Act to revise the 1989 Act.

Proponents' Testimony:

Judith Gedrose, Department of Health & Environmental Sciences,

HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL **DATE** 2-20-91

NAME	PRESENT	ABSENT	EXCUSED
REP. ANGELA RUSSELL, CHAIR	✓		
REP. TIM WHALEN, VICE-CHAIR	✓		
REP. ARLENE BECKER	✓		
REP. WILLIAM BOHARSKI	✓		
REP. JAN BROWN	✓		
REP. BRENT CROMLEY	✓		
REP. TIM DOWELL	✓		
REP. PATRICK GALVIN	✓		
REP. STELLA JEAN HANSEN	✓		
REP. ROYAL JOHNSON	✓		
REP. BETTY LOU KASTEN	✓		
REP. THOMAS LEE	✓		
REP. CHARLOTTE MESSMORE	✓		
REP. JIM RICE	✓		
REP. SHEILA RICE	✓		
REP. WILBUR SPRING	✓		
REP. CAROLYN SQUIRES	✓		
REP. JESSICA STICKNEY	✓		
REP. BILL STRIZICH	✓		
REP. ROLPH TUNBY	✓		

CS05HUMSER.MAN

H.C.S.
2-21-91
HB

HOUSE STANDING COMMITTEE REPORT

February 21, 1991

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 700 (first reading copy -- white) do pass.

Signed: _____
Angela Russell, Chairman

EXHIBIT 16
DATE 2-20-91
HB 700

HB 700

Chairman Russel, and Representatives I am Denzel Davis, Chief of the Licensing, Certification and Construction Bureau. I come before this committee to support the passage of HB 700.

Background Information:

50-5-204 was amended by the legislature in 1983. "(4) The department may inspect a licensed health care facility whenever it considers it necessary and shall inspect each licensed facility at least once within the 3 years following the date of its last inspection."

50-5-204 was again amended by HB 204 in 1985. "(2) If the department determines that the facility meets minimum standards and the proposed existing staff is qualified, the department shall issue a licence for 1 year." HB 204 corrected the 1983 statute and brought the State into compliance with Federal requirements.

HB 700 addresses new changes in the Federal requirements brought about by the Omnibus Budget Reconciliation Act of 1987 (OBRA). The addition of new Federal enforcement regulations for Medicare and Medicaid providers will allow for new provider agreements for periods up to 15 months. Current agreements are given for a 12 month period. The term of the agreement will be based on the facilities compliance record as recorded by current and past surveys.

The Health Care Financing Administration (HCFA) has over the past three years reduced the inspection frequency by prescribed percentages for non-long term care providers, to bi-annual inspections.

Section 1 line 21 and 22 changes the existing statute to read "Licenses <u>may be issued for a period of 1 to 3 years.</u>"

Section 2, sub-section (1) delete's the language <u>annually thereafter</u> and adds language to correspond the new issuance period of section 1
(1) At least 30 days prior to opening a facility and <u>after that no later than the expiration date of the license.</u>

Section 3, sub-section (1) is amended to reflect the actual procedure used when an inspection is conducted for a new provider.

(2) Addresses unannounced inspections for renewal inspections deleted from item (1)

(3) Language is added to this sub-section that corresponds with the amended licensure period of Section 1, sub-section (2).

HB 700 has many positive values. It address the changes in federal regulations. HB 700 allows the Licensing and Certification Bureau to shift its available resources from historical annual inspections to focused inspections of health care facilities that have and continue to indicate non-compliance with State and Federal conditions of participation. To shift survey operations that address the increased number of complaints received by the Bureau.

HB 700 addresses the need to acknowledge health care providers who historically provide quality care and compliance with regulations, by issuing extended licenses and Medicare/Medicaid agreements.

HB 700 address the issue of joint State and Federal survey and certification operations. This bill will allow the State to issue licenses for periods that correspond with Medicare and Medicaid agreement periods.

HB 700 does not in any way reduce but enhance the Bureau's ability to assure that quality care is being provided to residents and patients receiving services.

I would urge the committee to vote passage of this bill.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Human Services & Aging COMMITTEE BILL NO. HB 700

DATE 2-20-91 SPONSOR(S) Rep. T. Nelson

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Pat Melby	Rimrock Foundation	✓	
Denzel C Davis	DHES.		
Rose Hughes	MT. Health Care Assn	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.